



MEMO ENDORSED

Writer's direct phone

(212) 218-5611

Writer's e-mail

aianni@seyfarth.com



October 25, 2011

620 Eighth Avenue

New York, New York 10018

(212) 218-5500

fax (212) 218-5526

www.seyfarth.com

Application granted.

SO ORDERED:

New York

Date:

10/26/11

Richard M. Berman, U.S.D.J.

VIA HAND DELIVERY

The Honorable Richard M. Berman
 United States District Court for the Southern District of New York
 Daniel Patrick Moynihan United States Courthouse
 500 Pearl Street, Room 21B
 New York, New York 10007-1312

Re: Sanjae Russell v. S & S Credit Co., Inc. and
The Stop & Shop Supermarket Company LLC, 11-CV-5031 (RMB-HBP)

Dear Judge Berman:

We represent defendants S & S Credit Co., Inc. and The Stop & Shop Supermarket Company LLC (collectively, the "Defendants") in the above-referenced case, and respectfully write to request that the Court postpone the parties' Court-ordered mediation session.

The mediation session was previously scheduled for September 30, 2011, but was cancelled at the last minute by the mediator. Since that time, plaintiff Sanjae Russell ("Russell") filed his motion to remand, which is currently pending before the Court. The parties have also since engaged in settlement discussions, during which it became clear that Russell's \$90,000 settlement demand was far in excess of what Defendants would be willing to pay to settle the case. Thus, although Defendants strongly believe that Russell's remand motion should be denied, because the case may ultimately be remanded to state court and the mediation session is unlikely to be fruitful at this time, Defendants respectfully request that the Court postpone the Court-ordered mediation until it rules on the pending motion to remand.

Thank you for Your Honor's consideration of this request

Respectfully submitted,

SEYFARTH SHAW LLP

Allison E. Ianni

USDC SDNY
 DOCUMENT
 ELECTRONICALLY FILED
 DOC #: _____
 DATE FILED: 10/26/11

cc: Edward Cerasia II
 Stewart Lee Karlin, Esq.

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